

OCT 26 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERTO AGUILAR-ESCOBEDO,

Defendant - Appellant.

No. 10-16976

D.C. Nos. 5:08-cv-04311-RMW
5:03-cr-20082-RMW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted October 25, 2011**

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

Roberto Aguilar-Escobedo appeals pro se from the district court's order denying his motion under 28 U.S.C. § 2255. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Aguilar-Escobedo contends that his attorney was ineffective for failing to present a sentencing entrapment defense at trial. As the district court concluded, counsel's representation did not fall below an objective standard of reasonableness. *See Strickland v. Washington*, 466 U.S. 668, 687-88 (1984).

AFFIRMED.